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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/296,676	04/22/1999	DEVON DAVID CULLUM	2146-6	8733

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NIXON & VANDERHYE, PC
1100 N GLEBE ROAD
8TH FLOOR
ARLINGTON, VA 22201-4714

EXAMINER

ZIMMERMAN, BRIAN A

ART UNIT PAPER NUMBER

2635

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

9

Office Action Summary	Application No. 09/296,676	Applicant(s) CULLUM, DEVON DAVID	
	Examiner Brian A Zimmerman	Art Unit 2635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2004.
 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 1-25 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

EXAMINER'S RESPONSE

Status of Application

In response to the applicant's amendment received on 10/25/04. The examiner has considered the new presentation of claims and applicant arguments in view of the disclosure and the present state of the prior art. And it is the examiner's position that claims 1-25 are unpatentable for the reasons set forth in this office action:

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 112

1. Claims 1-25 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claims 1-25, support could not be found for having the RIC configured to provide the shut-off signal and have no outputs to or inputs from the normal utilization circuitry of the electronic appliance.

Claim Rejections - 35 USC § 103

2. Claims 1-15, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Isikoff (5748084) and Bishop (6664888).

Referring to claim 1, Isikoff in the same field of endeavor disclose an anti-theft device operable with an electronic apparatus 100, the device comprising a remote intelligent communication (RIC) unit contained within a casing of the electronic apparatus and including structure that enables tracking of the electronic apparatus (col. 3, line 55-61, Fig. 2). Isikoff further discloses the RIC unit operable to receive a signal transmitted from an interrogator 110 (Fig. 1). Isikoff further discloses that the beacon may be made as a removable assembly; this is interpreted that the beacon may be made separate from the utilization circuitry for normal operations of electronic apparatus it is attached to. Col. 4 lines 35-38. Since the applicant has not specifically defined "normal operations", the examiner interprets the limitation to be non-communication operations. When interpreted this way the reference still reads on the claims.

Isikoff inherently disclose the device (beacon) determines whether the signal is intended for the anti-theft device and whether the signal includes a shut-off command and, if so, to produce a shut-off signal in response (col. 5, line 20 – col. 6, line 15, the signal as the incoming data are interpreted by the beacon and passing the data to computer which causes disabling of power to all or specific parts of the computer).

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Isikoff further disclose the beacon as a shut-off unit couple to a power source of the electronics apparatus, the shut off unit in a shut-off state preventing a flow of electricity via the power source in accordance with the shut-off signal (col. 4, line 14-34, the beacon control a switch to cut power to the computer 100 or various subsections).

In an analogous art, Bishop shows a shut off unit 203 and 209 (figure 2b) where the shut-off unit is not connected to the normal circuits of the electronic apparatus 205. This provides a certain amount of isolation between the radio receiver unit and the electronic appliance. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have a shut off unit that is not connected to the normal circuits of the electronic apparatus in the Isikoff system since such would provide isolation between the circuits.

Referring to claim 2, Isikoff disclose the beacon is also a reset device communicating with the shut-off unit including a controller 30 communicating with memory 40 and an input device 20 (receiving signal from interrogator), wherein the controller keeps the computer system in the shut-off state until a predetermined data (reset or enable) corresponding to the electronic apparatus data is entered (col. 4, line 62, - col. 5, line 11).

Referring to claim 3, Isikoff inherently discloses the device comprising a code reset device, the shut-off unit remaining in the shut-off state until a predetermined code is input to the reset device (col. 4, line 3-, the beacon shuts the computer down when it has not received an authorization call via cellular network).

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Referring to claim 4, Isikoff disclose the device comprising a message activating unit communicating with the RIC unit, the message activating unit activating a message in accordance with the shut-off signal (col. 5, line 34-44, the computer having a software interface provides an visual indication the computer system has been disable because the system was reported stolen).

Regarding claims 5 and 10, Bishop shows the use of a fusible link as the shut-off unit, col. 10 lines 65+

Referring to claims 6-9, it is noted that claims 6-9 claim the same elements as claim 1-4. Therefore, claims 6-9 are rejected for the same reasons with respect to claim 1-4.

Referring to claim 11, it is noted that claim 11 repeatedly claims elements as claim 1. Furthermore, Isikoff disclose the device having a transceiver 10 coupled to the control circuit (beacon) (Fig. 3).

Referring to claims 12 and 13, Isikoff disclose the communication unit comprising a transmitter 10 (transceiver) and control circuit 45 produces a return signal that is transmitted to the interrogator via transmitter 10 to provide tracking data for the electronic apparatus (Abstract). Isikoff further discloses the data comprising location coordinates derived from a GPS (col. 10, line 11-31).

Referring to claim 14, Isikoff inherently discloses the communication unit wherein the transmitter and control circuit produce a return signal that is transmitted to the interrogator via the transmitter to acknowledge receipt of the signal including the electronic apparatus shut-off command (col. 2, line 46-66 and

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col. 5, line 35-44, the anti-theft device provides two-way RF communication and the beacon response the current status of computer).

Referring to claim 15, it is noted that claim 15 repeatedly claims elements as claim 2. Furthermore, Isikoff implies or suggests the control circuit compares input data supplies to the anti-theft device with the data stored in memory (col. 4, line 62 – col. 5, line 11, the signal received has to be authorized).

Regarding claims 19 and 20, Bishop figure 2b shows the power blocking circuits 203,209 include parallel current paths 215,207. The blocking circuit also includes fuses col. 10 lines 65+ to shut off the flow of current to the appliance.

Referring to claim 21 and 22, Isikoff discloses the signal is transmitted from the interrogator via a satellite link or a cellular telephone link (col. 10, line 60-65).

Referring to claim 23, Isikoff discloses the electronic apparatus is a consumer electronic device (col. 1, line 48-53).

Referring to claim 24, Isikoff discloses the power blocking circuit is included within a packaged integrated circuit chip including other circuitry used by utilization circuitry of the electronic apparatus (col. 4, line 35-38).

Referring to claim 25, Isikoff disclose the communication unit further comprising a programmable timer for periodically waking up the communication unit from an idle mode to activate the receiver to receive the signal transmitted from the interrogator (col. 9, line 32-52, the beacon wherein the receiver located operates intermittently for receiving tracking signal).

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3. Claim 16 and 17 rejected under 35 U.S.C. 103(a) as being unpatentable over Isikoff in view of Sheffer (5515419).

Isikoff does not disclose the data stored in memory comprising purchase data or purchaser data. In an analogous art, Sheffer the vehicle sending owner's address and Vehicle ID (which must be stored in the memory associated with the vehicle) for the purpose of providing unique information representing different devices. See col. 8 lines 25-40. It is interpreted that the owner's address and VIN number are purchase and purchaser data as broadly claimed. It would have been obvious to one of ordinary skill in the art at the time the invention was made to store purchase data or purchaser data in the device of Isikoff as evidenced by Sheffer because it would assist in associating a stolen vehicle with it's rightful owner.

4. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Isikoff in view of Glenn US 5,406,261.

Isikoff does not disclose the detail of the blocking circuit. Glenn discloses the power control including transistor having a current path connected between the power source 22 of the electronic apparatus and utilization circuit (system board 20, floppy disk drive 24), and a control terminal supplied with the shut-off signal (control function) (Fig. 8b).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the transistor to the blocking circuit in the device of Isikoff as evidenced by Glenn because Isikoff suggest the anti-theft device

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having a blocking circuit to cut off the power supply and Glenn teaches in detail of the blocking circuit having a transistor wherein current path is connected between the power source of the electronic apparatus and utilization circuit, and a control terminal supplied with the shut-off signal.

Response to Arguments

Applicant's arguments with respect to the art rejections of the claims have been considered but are moot in view of the new ground(s) of rejection.


Regarding the applicant's argument for support as it pertains to the present claims and present rejections, the examiner is not persuaded. It is well held that one cannot show support for a negative limitation merely because such an element is not disclosed. The applicant has not specifically disclosed that such connections cannot exist. The lack of such a disclosure is not evidence that the applicant intended that the invention did not include such connections.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian A Zimmerman whose telephone number is 571-272-3059. The examiner can normally be reached on Off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Horabik can be reached on 571-272-3068. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Brian A. Zimmerman
Primary Examiner
Art Unit 2635

BAZ